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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,468	07/09/2001	Jamie Teasdale	3621-011139	5640

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/901,468		TEASDALE, JAMIE	
	Examiner		Art Unit	
	C. Lynne Anderson		3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of notches disclosed in claims 9 and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the specimen container" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 6, 9-11, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fahsbender (1,457,657).

Fahsbender discloses a collection device, as described in column 1, lines 14-19, that is fully capable of collecting urine. The device comprises a specimen container body, as shown in figure 1, having an inner wall and an outer wall. The device further comprises a handle 7 having a first body member with a first contact surface 10 and a second contact surface 5. The first contact surface 10 engages the inner wall of the specimen container body, and the second contact surface 5 engages the outer wall of the specimen container body, as shown in figure 1, removably securing the handle 7 to the specimen container body.

With respect to claim 6, Fahsbender discloses a handle 7 for use with a specimen container body having an inner wall and an outer wall, as shown in figure 1. The handle 7 has a first body member with a first contact surface 10 and a second contact surface 5. The first contact surface 10 engages the inner wall of the specimen container body, and the second contact surface 5 engages the outer wall of the specimen container body, as shown in figure 1, removably securing the handle 7 to the specimen container body.

With respect to claims 9 and 10, the second contact surface 5 defines a notch or scored section 11, as shown in figure 1.

With respect to claim 11, the second contact member is movable with respect to the first contact member, as described in column 2, lines 64-72.

With respect to claim 16, the specimen container body defines a collection cavity and an opening, and a rim having a thread adjacent the opening, as shown in figure 1.

With respect to claims 17 and 18, the second contact surface 5 defines a notch or scored section 11, as shown in figure 1.

Claims 6, 11-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Galliano (2,450,193).

Galliano discloses a handle for use with a specimen container body having an inner wall and an outer wall. The handle comprises a first body member 11 having a first contact member 13 with a first contact surface 14. The handle further comprises a second body member 5 having a second contact member with a second contact surface 18. The first contact surface 14 engages the inner wall of the specimen container body, and the second contact surface 18 engages the outer wall of the specimen container body, removably securing the handle to the specimen container body, as described in column 1, lines 33-43.

With respect to claim 11, the second contact member is movable with respect to the first contact member 13, as described in column 1, lines 38-39.

With respect to claim 12, the first body member 11 defines an internal channel, and the second body member 5 is received in the internal channel, as shown in figure 1.

With respect to claim 14, the internal channel defines threads which receive threads on the second body member 5, as described in column 2, lines 15-17.

Claims 1, 6-8, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (6,318,776).

Lee discloses a collection device, as described in column 1, lines 47-51, that is fully capable of collecting urine. The device comprises a specimen container body 13 having an inner wall and an outer wall. The device further comprises a handle 10 having a first body member 18 with a first contact surface 18c and a second body member 10b with a second contact surface 15, as shown in figure 2. The first contact surface 18c engages the inner wall of the specimen container body, and the second contact surface 15 engages the outer wall of the specimen container body, as shown in figure 1, removably securing the handle 10 to the specimen container body.

With respect to claim 6, Lee discloses a handle 10 for use with a specimen container body 13 having an inner wall and an outer wall. The handle comprises a first body member 18 having a first contact member 18a with a first contact surface 18c. The handle further comprises a second body member 10b having a second contact member 15a with a second contact surface 15. The first contact surface 18a engages the inner wall of the specimen container body 13, and the second contact surface 15 engages the outer wall of the specimen container body 13, removably securing the handle to the specimen container body, as described in column 1, lines 7-12.

With respect to claims 7 and 8, the first contact surface 18c and the second contact surface 15 define arcuate shapes, as shown in figure 1.

With respect to claim 11, the second contact member 15a is movable with respect to the first contact member 18a, as described in column 2, lines 3-11.

With respect to claim 13, the handle 10 further comprises a locking member 11, as shown in figure 2, which is received in a guide hole in the first body member 18, and a locking hole in the second body member 10b.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fahsbender (1,457,657) in view of claim 6 above.

Fahsbender discloses all aspects of the claimed invention but remains silent as to the material used to construct the first and second body members. The first and second body members of the handle are designed to grip a specimen collection device such as a receptacle containing acid, as described in column 1, lines 14-15. It is well known to use a material not easily corroded, such as stainless steel, for this purpose. It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the first and second body members of the handle of Fahsbender out of stainless steel to avoid corrosion of the handle during use.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galliano (2,450,193) in view of claim 6 above.

Galliano discloses all aspects of the claimed invention but remains silent as to the material used to construct the first and second body members. The first and second body members of the handle are designed to grip a specimen collection device such as a cooking pan, as described in column 1, lines 1-3. It is well known to use a material not easily corroded, such as stainless steel, to construct kitchen utensiles. It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the first and second body members of the handle of Galliano out of stainless steel to avoid corrosion of the handle during use.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (6,318,776) in view of claim 6 above.

Lee discloses all aspects of the claimed invention but remains silent as to the material used to construct the first and second body members. The first and second body members of the handle are designed to grip a specimen collection device such as a cooking pan, as described in column 1, lines 7-10. It is well known to use a material not easily corroded, such as stainless steel, to construct kitchen utensiles. It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the first and second body members of the handle of Lee out of stainless steel to avoid corrosion of the handle during use.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (5,202,094) in view of Fahsbender (1,457,657).

Jones discloses all aspects of the claimed invention with the exception of a handle comprising first and second contact members engaging the inner and outer walls

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of the specimen container body. Jones discloses a method of collecting urine with a handle 14 and a specimen container body 12 comprising the step of connecting the handle 14 to the specimen container body 12, as described in column 3, lines 34-40.

Fahsbender discloses a specimen container body for the collection of acids, as described in column 1, lines 14-15, with a handle 7 removably attached to the specimen container body. The handle 7 is attached to the specimen container body by the steps of: positioning the first contact member adjacent the rim of the specimen container body, placing the second contact member adjacent the rim of the specimen container body, and securing the handle 7 such that the first contact surface 10 engages the inner wall of the specimen container body and the second contact surface 5 engages the outer wall of the specimen container body, as described in column 2, lines 58-80. The second contact surface 5 is moved in a first direction towards the first contact member 10 to engage the outer wall of the specimen container body. The handle 7 is removed by the step of disengaging the second contact surface 5 from the outer wall of the specimen container body by moving the second contact surface 5 in a second direction away from the first contact surface 10. The handle 7 of Fahsbender provides secure grip that is simple to attach and remove.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to collect urine with the specimen container body of Jones with the handle of Fahsbender, in order to provide a secure grip that is simple to attach and remove.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (5,202,094) in view of Galliano (2,450,193).

Jones discloses all aspects of the claimed invention with the exception of a handle comprising first and second contact members engaging the inner and outer walls of the specimen container body. Jones discloses a method of collecting urine with a handle 14 and a specimen container body 12 comprising the step of connecting the handle 14 to the specimen container body 12, as described in column 3, lines 34-40.

Galliano discloses a specimen container body for the collection of food, as described in column 1, lines 1-3, with a handle removably attached to the specimen container body. The handle is attached to the specimen container body by the steps of: positioning the first contact member 13 adjacent the rim of the specimen container body 12, placing the second contact member 5 adjacent the rim of the specimen container body 12, and securing the handle such that the first contact surface 14 engages the inner wall of the specimen container body 12 and the second contact surface 18 engages the outer wall of the specimen container body 12, as described in column 1, lines 33-43. The second contact surface 18 is moved in a first direction towards the first contact member 14 to engage the outer wall of the specimen container body 12. The handle is removed by the step of disengaging the second contact surface 18 from the outer wall of the specimen container body 12 by moving the second contact surface 18 in a second direction away from the first contact surface 14. The handle of Galliano provides secure grip that is simple to attach and remove.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to collect urine with the specimen container body of Jones with the handle of Galliano, in order to provide a secure grip that is simple to attach and remove.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 3,304,112; 5,704,092; 6,000,100; and 6,257,439 pertain to handles removably attached to specimen container bodies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, Primary Examiner Dennis Ruhl can be reached on (703) 308-2262. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

CVA
cla
August 9, 2002


GLENN K. DAWSON
PRIMARY EXAMINER